

## Message

**From:** Wandling, Jason E [Jason.E.Wandling@wv.gov]  
**Sent:** 11/20/2020 1:45:06 PM  
**To:** Stein, Jonathan [Stein.Jonathan@epa.gov]  
**Subject:** RE: [External] RE: [External] RE: WVDEP IRA Followup 03R-19-R3

Actually, now that you mention it, I wonder if you guys have organizational flow charts for the state agencies that have implemented these agreements? I'm trying to design the way it will likely work here and I'm curious how it looks elsewhere. Thanks!

---

**From:** Stein, Jonathan <Stein.Jonathan@epa.gov>  
**Sent:** Thursday, November 19, 2020 4:26 PM  
**To:** Wandling, Jason E <Jason.E.Wandling@wv.gov>  
**Subject:** [External] RE: [External] RE: WVDEP IRA Followup 03R-19-R3

**CAUTION:** External email. Do not click links or open attachments unless you verify sender.

Hello Jason-

Thanks for getting back to me. We remain eager to get this resolved, and are of course available by phone if there are any points needing further clarification.

Best Regards,

Jonathan M. Stein  
 Attorney Advisor — External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Sent:** Thursday, November 19, 2020 3:59 PM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Subject:** RE: [External] RE: WVDEP IRA Followup 03R-19-R3

Thanks! Things have calmed down quite a bit for me, which is nice, but I'll have to call again.

I'm going to be out next week, just fyi. Somehow with COVID and multiple crises, I managed to only take two days off this year and stand to lose quite a lot of annual leave.

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Sent:** Wednesday, November 18, 2020 8:49 AM  
**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel <[isales.daniel@epa.gov](mailto:isales.daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** [External] RE: WVDEP IRA Followup 03R-19-R3

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Hello Jason –

I hate to keep bugging you but did want to check in again as to whether there is any movement out of the AG's office. I know with Covid and the holiday coming up things are still a bit crazy, but hopefully things have calmed down on your end somewhat since last week.

Best Regards,

Jonathan M. Stein  
 Attorney Advisor – External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Sent:** Monday, November 09, 2020 12:06 PM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel <[isales.Daniel@epa.gov](mailto:isales.Daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** WVDEP IRA Followup 03R-19-R3

I haven't, but like you said last week was pretty crazy for the SOS and AG offices. I'll check and get back to you.

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Sent:** Thursday, November 5, 2020 2:45 PM  
**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel <[isales.daniel@epa.gov](mailto:isales.daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** [External] RE: [External] RE: [External] RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

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Hello Jason-

I hope you all are well and that everyone on your end had a great Halloween. I am curious as to whether you have heard back anything from the AG's office in their review.

I understand that they may not have gotten back to you, as I can imagine they most likely assisted the Secretary of State's Elections Division with administering the elections this week, among the many other areas they would normally be assisting you or the other state agencies with this week. Please let me know — and also if there are any questions from their end, we can set up a call.

Best Regards,

Jonathan M. Stein  
 Attorney Advisor — External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Sent:** Friday, October 30, 2020 10:38 AM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Subject:** Re: [External] RE: [External] RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

Thanks, Jonathan! I've spoken to the extremely friendly and helpful Edgar Freeman in Maryland about implementation. Also the agreement is at the Attorney General's office for review. I'm getting ready for trial, so this hasn't been top of my list, but I'll call over to the capitol today and check on status.

Hope y'all have fun (and safe) Halloweens!

---

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 9:18:45 AM  
**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel

<isales.daniel@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

**Subject:** [External] RE: [External] RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

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Hello Jason,

I wanted to check in and find out from you how this is going. If there any questions, let me know and we can set up a call. Thanks!

Best Regards,

Jonathan M. Stein  
Attorney Advisor – External Civil Rights Compliance Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
Washington, DC 20460  
202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>

**Sent:** Wednesday, October 14, 2020 9:11 AM

**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt

<[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel

<[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>

**Subject:** RE: [External] RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

Thank you much! Sorry for the delay; I was on sick leave.

I'll forward this to the state Attorney General for review today.

---

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>

**Sent:** Wednesday, October 7, 2020 4:29 PM

**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt

<[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; Isales, Daniel

<[isales.daniel@epa.gov](mailto:isales.daniel@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>

**Subject:** [External] RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

**Importance:** High

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Good Afternoon Jason and Jeffrey-

I hope you and your families are well. I am attaching the EPA-signed copy with the additions of your contact information and the Secretary as Austin Caperton.

Best Regards,

Jonathan M. Stein  
 Attorney Advisor – External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Sent:** Wednesday, October 07, 2020 8:59 AM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Subject:** RE: [External] RE: [External] WVDEP IRA Followup 03R-19-R3

Jonathan,

I think the best plan is to identify the Office of General Counsel as the recipient. If you'd like a proper name, please use mine.

The cabinet secretary will sign for the agency. He prefers to be identified simply as "Austin Caperton."

Jason

---

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Sent:** Monday, October 5, 2020 5:05 PM  
**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Cc:** Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Subject:** [External] RE: [External] WVDEP IRA Followup 03R-19-R3  
**Importance:** High

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Hello Jason and Jeffrey-

Lilian has submitted the agreement up through our front office and we are ready to move forward as discussed. However, prior to Lilian signing the IRA, on the top of page 13, we need the name of who will be receiving materials sent

from EPA (sec. IV. D) and on 14, who will be signing on behalf of WVDEP. Please let me know as soon as possible so I can fill these in. Thanks!

Best Regards,

Jonathan M. Stein  
 Attorney Advisor – External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>  
**Sent:** Friday, October 02, 2020 3:37 PM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>;  
 Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; O'Lone, Mary  
 <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** RE: [External] WVDEP IRA Followup 03R-19-R3

Thank you for the contacts!

---

**From:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Sent:** Wednesday, September 30, 2020 10:27 AM  
**To:** Wandling, Jason E <[Jason.E.Wandling@wv.gov](mailto:Jason.E.Wandling@wv.gov)>; Dye, Jeffrey O <[Jeffrey.O.Dye@wv.gov](mailto:Jeffrey.O.Dye@wv.gov)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>;  
 Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Blitstein, Lisa <[Blitstein.Lisa@epa.gov](mailto:Blitstein.Lisa@epa.gov)>; O'Lone, Mary  
 <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** [External] WVDEP IRA Followup 03R-19-R3

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Hello Jason and Jeffrey-

Hope all is well with you. Following up on our conversation last week, I wanted to pass along contact information for a couple of other state environmental agencies you may want to speak with regarding the actual hands-on experiential aspects of how they went about their implementation of their respective Resolution Agreements. Please let us know if you have additional questions.

Edgar Freeman with Maryland DNR – his email is [edgar.freeman@maryland.gov](mailto:edgar.freeman@maryland.gov)  
 Jennifer Hower with New Mexico Environment Department – her email is [Jennifer.Hower@state.nm.us](mailto:Jennifer.Hower@state.nm.us)

Best Regards,

Jonathan M. Stein  
Attorney Advisor – External Civil Rights Compliance Office  
U.S. Environmental Protection Agency | Office of General Counsel  
1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
Washington, DC 20460  
202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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